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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/722,749	11/26/2003	Hon-Sum P. Wong	YOR920030513US1	7287
7590	08/10/2005		EXAMINER	
Moser, Patterson & Sheridan Suite 100 595 Shrewsbury Avenue Shrewsbury, NJ 07702			MONBLEAU, DAVIENNE N	
			ART UNIT	PAPER NUMBER
			2878	

DATE MAILED: 08/10/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>
	10/722,749	WONG, HON-SUM P.
	<b>Examiner</b>	<b>Art Unit</b>
	Davienne Monbleau	2878

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on 01 August 2005.
- 2a) This action is FINAL.                    2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) 18-20 is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_\_ is/are allowed.
- 6) Claim(s) 1-17 is/are rejected.
- 7) Claim(s) \_\_\_\_\_ is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on 26 November 2003 is/are: a) accepted or b) objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) All    b) Some \* c) None of:  
 1. Certified copies of the priority documents have been received.  
 2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- 1) Notice of References Cited (PTO-892)  
 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)  
 3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
 Paper No(s)/Mail Date 11/26/03.
- 4) Interview Summary (PTO-413)  
 Paper No(s)/Mail Date. \_\_\_\_\_.  
 5) Notice of Informal Patent Application (PTO-152)  
 6) Other: \_\_\_\_\_.

## **DETAILED ACTION**

### ***Election/Restrictions***

Applicant's election of Group I in the reply filed on 8/1/05 is acknowledged. Because applicant did not distinctly and specifically point out the supposed errors in the restriction requirement, the election has been treated as an election without traverse (MPEP § 818.03(a)).

Claims 18-20 are withdrawn from further consideration pursuant to 37 CFR 1.142(b) as being drawn to a nonelected group, there being no allowable generic or linking claim. Election was made **without** traverse in the reply filed on 8/1/05.

An action on the merits for Claims 1-17 follows.

### ***Information Disclosure Statement***

The IDS filed on 11/26/03 has been acknowledged and a signed copy of the PTO-1449 is attached herein.

### ***Claim Objections***

Regarding Claims 1, 2, 9, 11, 12, and 14, the phrase "three-dimensional stack" does not clearly describe the sensor structure. Examiner suggests replacing that phrase with *vertical stack*.

Regarding Claims 2 and 12, it is not clear which "pair of color sensors" is being referred to. Examiner suggests using *adjacent color sensors* instead.

Further regarding Claims 2 and 12, regarding the phrase "the semiconductor substrate and the three-dimensional stack of color sensors"; it is not clear which elements are being referred to. Examiner assumes that the Applicant is trying to describe a particular configuration

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within each pixel. The wording, however, is not clear. Also note that this inconsistency is present in at least Claims 5, 8, 9, and 14.

***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

*Claim 1 is rejected under 35 U.S.C. 102(e) as being anticipated by Merrill et al. (U.S. 6,841,816).*

Regarding Claim 1, *Merrill* discloses in Figure 8 an imaging sensor comprising a plurality of pixels, where each of said pixels comprises a semiconductor substrate (40) and a three-dimensional stack of color sensors (41, 46, 51) on the semiconductor substrate (40).

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

*Claims 2-17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Merrill.*

Regarding Claim 11, *Merrill* teaches in Figure 8 an imaging sensor comprising a semiconductor substrate (40) and a pixel matrix (column 5 lines 30-35) comprised of a plurality

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of pixels, wherein each pixel includes a three-dimensional stack of color sensors (41, 46, 51) on said semiconductor substrate (40). *Merrill* further teaches in column 15 lines 49-52 that each color sensor has connectors to readout circuitry in order to provide readout capabilities and detect the amount of incident light on each color sensor. Lastly, *Merrill* teaches in column 5 lines 25-35 that the sensors may be arranged in an array to form an image detector with circuitry for converting photo-generated carriers produced in the sensors to electrical signals. Typically, in an image array of this sort (i.e. a CCD), this includes row decoder and a column decoder. Although *Merrill* does not specifically teach the arrangement of each sensor/pixel in relation to readout rows/columns, it would have been obvious to one of ordinary skill in the art at the time of the invention to have each pixel located adjacent to one of said crossings of row and column conductors in said array in order to provide efficient charge readout of said image sensor.

Regarding Claims 2 and 12, *Merrill* teaches in Figure 8 a plurality of color reflectors (43, 48), wherein each pair of color sensors is separated by one of said color reflectors (43, 48), but does not teach that the semiconductor substrate (40) and the three-dimensional stack of color sensors is separated by one of said color reflectors. It would have been obvious, however, to one of ordinary skill in the art at the time of the invention to place a color reflector between the semiconductor substrate (40) and the three-dimensional stack of color sensors to enable the light to pass through the lowest color sensor twice (similar to the first color sensor). This will maximize the amount of light absorbed in that particular color sensor.

Regarding Claims 3 and 13, *Merrill* teaches in Figure 8 that each color reflector (43, 48) reflects a different color spectrum.

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Regarding Claims 4 and 16, *Merrill* teaches in column 17 lines 38-43 that interference filters may be used but does not specifically teach a Bragg reflector. It would have been obvious, however, to one of ordinary skill in the art at the time of the invention to use a Bragg reflector in *Merrill* because it is a type of interference filter and may reflect certain wavelengths of light and pass others.

Regarding Claim 5, *Merrill* teaches in column 15 lines 49-52 that each color sensor has connectors to readout circuitry in order to provide readout capabilities and detect the amount of incident light on each color sensor.

Regarding Claims 6 and 17, *Merrill* teaches in 8 that each color sensor (41, 46, 51) includes a photo-sensor (column 15 line 57 to column 16 line 3) and a plurality of transistors (Figure 2A) for interrogating photo-induced charges generated by said photo-sensor.

Regarding Claim 7, *Merrill* teaches in column 22 lines 39-46 using conventional CMOS processes to separate the sensor groups.

Regarding Claim 8, *Merrill* teaches in column 5 lines 25-35 that the sensors may be arranged in an array to form an image detector with circuitry for converting photogenerated carriers produced in the sensors to electrical signals. Typically, in an image array of this sort (i.e. a CCD), this includes row decoder and a column decoder.

Regarding Claims 9 and 14, *Merrill* teaches in Figure 8 that the color reflector (would be a red color reflector) that reflects the longest set of wavelengths (red) is between the semiconductor substrate (40) and the three-dimensional stack of color sensors, and wherein the

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color reflector (48) that reflects the shortest set of wavelengths (blue) is furthest from said semiconductor substrate (40).

Regarding Claims 10 and 15, *Merrill* teaches in Figure 8 that each color sensor (41, 46, 51) has a different thickness, wherein the thickest color sensor (41) is adjacent to said color reflector (would be the red color filter) that reflects the longest set of wavelengths (red), and wherein the thinnest color sensor (51) is furthest from said semiconductor substrate (40).

### ***Conclusion***

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure because they teach various configurations of stacked, color image sensor arrays and readout circuitry.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Davienne Monbleau whose telephone number is 571-272-1945. The examiner can normally be reached on Mon-Fri 9:00 am to 5:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Dave Porta can be reached on 571-272-2444. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR

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system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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